

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:14-CV-56-RLV-DSC**

THIS MATTER is before the Court on “Defendant’s Motion to Dismiss” (document #4) filed May 2, 2014, and “Plaintiff’s Motion for Leave to Amend Complaint” (document #7) filed May 16, 2014.

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1), and these Motions are now ripe for the Court's determination.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to “amend its pleading once as a matter of course,” if done within twenty-one (21) days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or, “if the pleading is one to which a responsive pleading is required,” a party may amend once as a matter of course, provided that it does so within “21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1)(B). The Rule further provides that “leave [to amend the pleadings] shall be freely given where justice so requires.” Fed.R.Civ.P. 15(a). Defendant does not oppose Plaintiff’s Motion to

Amend. See "Defendant's Reply ..." at 1, n 1 (document #8). For those and the other reasons stated therein, Plaintiff's Motion for Leave to Amend will be granted.

It is well settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint).

IT IS HEREBY ORDERED that:

1. "Plaintiff's Motion for Leave to Amend Complaint" (document #7) is **GRANTED**. Plaintiff shall file its amended complaint within ten days of this Order.
2. "Defendant's Motion to Dismiss" (document #4) is **DENIED** administratively as moot without prejudice.
3. The Clerk is directed to send copies of this Order to the parties' counsel; and to the Honorable Richard L. Voorhees.

SO ORDERED.

Signed: June 5, 2014



David S. Cayer
United States Magistrate Judge
